

I am writing to request an exemption from Title 14 of the Code of Federal Regulations (14 CFR) § 121.311(b) to the extent required for **Zachary Cummins** to be able to use a Federal Aviation Administration (FAA) approved child restraint system even though **she/he** exceeds the weight limits for the CRS. In addition, if my petition is granted, I request that any air carrier or commercial operator operating under part 121 while **Zachary Cummins** is aboard its aircraft is granted an exemption from 14 CFR § 121.311(b)(2)(iii)(B) to the extent necessary to allow **Zachary Cummins** to exceed the specified weight limit for an FAA approved child restraint system during use of that child restraint system aboard an aircraft.

I believe the pertinent section from 14 CFR part 121 from which we seek relief is § 121.311 Seats, safety belts, and shoulder harnesses. **Zachary Cummins** is 16 years old, weighs 137 pounds, and is 62 inches tall. **Zachary Cummin's** physical condition is as **Duchenne's Muscular Dystrophy**. As a result of **his** physical condition, **he** needs the support and security provided by an FAA approved child restraint system, but because of **his 137 pounds/62 inches** is incapable of compliance with the regulation. I am also submitting the following contact information:

Ms. April Miller

1211 Shepard Way Shelbyville KY 40065

amillerpn@hotmail.com

Mother

I understand that the regulation is written to create a high level of safety for each individual passenger by ensuring that they are securely restrained in their seats during all phases of flight. The regulation also ensures that an individual does not cause harm to other passengers on the airplane by being thrown into them during turbulent or emergency conditions.

I propose that **name** be allowed to occupy an FAA approved child restraint system (CARES, manufactured by AmSafe, Inc.), even though **he** exceeds the manufacturer's **weight/height** limits. This ensures a high level of safety for **name** and a high level of safety for the other passengers and crew on the airplane. In fact, in **Zachary Cummins** case, safety is greatly enhanced by the extra support and security that the FAA approved child restraint system will provide during the entire follows flight.

Enhancing safety for **Zachary Cummins** is in the public interest. In addition, the public interest is also served by the fact that the use of this FAA approved child restraint system allows **him** to use commercial air transportation. Without the support and security of the FAA approved child **137 pounds/62 inches** restraint system, **she/he** would be unable to fly commercially.

I also believe that, with certain limitations established by the FAA in a grant to this petition, there can be an equivalent level of safety to that provided by the affected regulation. The CARES child restraint system has been certified by the manufacturer for use by children 22- 44 pounds. However, the components of the CARES restraint are the same as those used in restraints for adults on aircraft and would maintain their integrity if used by someone who weighed several hundred pounds.

I believe that the limit of 44 pounds was established because, with the additional weight of the child attached to the seatback, the seatback would move forward more quickly in an accident scenario, and this might cause a higher Head Injury Criteria (HIC) load for the person seated in the seat behind the passenger using the CARES child restraint system (because the seatback moving forward more quickly would mean that it would not be there to attenuate the energy from the impact of the person seated behind the person using the CARES child restraint system).

In order to achieve an equivalent level of safety as that provided by the affected regulation, I propose that the FAA establish a limitation in a grant to this petition that **Zachary Cummins** only sits in a passenger seat with no passenger seated behind **him**. Therefore, no unsafe condition would exist for a passenger seated behind **Zachary Cummins** while **he** is using the CARES child restraint system. I also propose that all operations under this exemption be conducted with at least one of **Zachary's** parents or a caregiver

accompanying **him**. In addition, I propose that **Zachary Cummins's** parent or caregiver must carry a copy of this exemption.

I also request that the processing of this petition not be delayed for publication and comment in the Federal Register. We want to travel **April 3rd, 2022 to April 8th 2022**. If you take the time to put this in the Federal Register, it will delay the process, and we may not be able to travel in this timeframe.

If it is necessary to put a summary in the Federal Register, I submit the following:

This is a request for an exemption from 14 CFR § 121.311 (b) to the extent required for a child to use an FAA approved child restraint system on an aircraft, even though the child exceeds the weight limits for the CRS. Due to physical challenges, without the support and security of this FAA approved child restraint system, this child would be unable to fly. We request that this child be allowed to occupy an FAA approved child restraint system (CARES, manufactured by AmSafe, Inc.), even though **he** exceeds the manufacturer's weight limits of 44 pounds. In this case, the safety of this child is greatly enhanced by the extra support and security that the FAA approved child restraint system will provide for **him** during the flight.

Thank you for your consideration of this request.